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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,064	11/02/2005	Andreas Schmidt	071308.1124	7573

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EXAMINER	
TORRES, MARCOS L	

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/523,064	SCHMIDT ET AL.	
	Examiner	Art Unit	
	MARCOS L. TORRES	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 7-21-08 have been fully considered but they are not persuasive.

2. Regarding applicant's arguments directed to Alperovich, the section recited by the examiner did include more than just "merely states that a list in the HLR 26 could be something other than MSISDN or IMSI numbers", for example in col. 6, lines 15-20 recites: "An origin identifier could also include a group or type identifier. In this way, the origin **identifier** could even function as a password **accompanying** the transmission of **point-to-point** short message." It is clear that an identifier reaching the mobile terminal [endpoint] with a short message is disclosed by Alperovich.

3. Applicant asserts: "It is noted that the Examiner concedes to that only a message is transmitted from the service provider to a recipient serviced by the service provider and not, as required by independent claim 23, that the method comprises transmitting the message and an identification signal from the service provider to a recipient serviced by the service provider." The examiner was unable to find support for this assertion in the citations provided by the applicant. Please see paragraph 2 above.

4. Also applicant asserts "Further Alperovich does not disclose sending anonymous messages. Alperovich is silent with respect to teachings how to screen anonymous messages." ; as previously shown in the rejection in record Alperovich the primary reference discloses and suggest the use of other than the recognizable MSISDN

number (see col. 6, lines 15-20), it will be obvious than using other number will not be easily recognizable by the user, however it is unclear if with the use of those alternative names the user can still identify the sender. In another analogous art, Bedingfield discloses sending and receiving anonymous messages (see par 0062-0067), which is also in the admitted prior art in par. 0009. One of the ordinary skills in the art would recognize that independently of the identifiers used [anonymous or not] the method bring the same predictable result of adding an identifier to rejection list and rejecting the message. Thereby, it would have been obvious to one of the ordinary skill in the art at the time of the invention for the simple purpose of getting the same predictable result.

5. Also, applicant also asserts that Alperovich fails to disclose the transmission of the message with an identification signal; however, it is noted that Alperovich discloses that the message is transmitted with the MSISDN number (see col. 3, lines 31-34) [or other identifier as suggested by Alperovich in col. 6, lines 15-20]. Therefore, the combination of Alperovich and Bedingfield still disclose the new limitation. Additionally, Bedingfield also disclose sending an identification signal [envelope information see par. 0062-0067].

6. As to applicant arguments that in Bedingfiled does not provide a list of exclusion, the examiner did relied in Bedingfiled for this limitation, please see the section of Alperovich in the rejection of record.

7. As to applicant arguments that in Bedingfield only discloses blocking all the messages from any anonymous subscriber; first, the paragraph 0067 that the applicant uses to support his position recite "that a recipient **may** reject or block an anonymous

message…" ; **may** reject is not the same as reject all anonymous messages; second, in par. 0063 recite the user receiving and screening the anonymous messages.

8. Regarding to the combination Alperovih and Bedingfield, as shown in the paragraph above rejecting all anonymous is a mischaracterization of the Bedingfield reference. A combination with both references will add to the Alperovich acceptance/rejection list the option of working with anonymous ID's, and it is not going to take away the acceptance/rejection list as suggested by the applicant. The idea of adding a reference is to add teachings, not to subtract teachings as suggested.

9. As to claims 39 and 40 and the rest of the arguments they fall for the same reasons as shown above. The current rejection in record stands.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 23-28, 30-36 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich US006101393A in view of Bedingfield 20020110227.

As to claim 23, Alperovich discloses a method for blocking undesirable messages in a mobile radio system (see col. 1, lines 7-10), the method comprising: receiving an anonymous message and identification signal from a sender at a service provider (see col. 3, lines 37-45); and transmitting the message from the service provider to a recipient serviced by the service provider (see col. 3, lines 50-66); receiving a request from the recipient to the service provider, the re request comprising at least the identification signal if the recipient wants to have the sender of the message put on a list of exclusions; and adding the sender to the list of exclusion based at least on the identification signal (see col. 5, lines 51-66). Alperovich discloses that other alternatives names can be used (see col. 6, lines 15-20); however it is unclear if with the use of those alternative names the user can still identify the sender. In an analogous art Bedingfield discloses wherein the service provider transmits the message anonymously

to the recipient and receives notification if the recipient wants to have the sender of the message put on a list of exclusions wherein the identification signal includes a reference to a storage location of a message identification element [envelope information] (see par 0062-0067). Therefore, it would be obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings to properly route and treat all messages according to their respective setting, thereby blocking undesirable message while keeping the anonymity of the sender (par. 0007).

As to claim 24, Alperovich discloses a method for blocking undesirable messages in a mobile radio system wherein the list of exclusions is managed by the service provider (see col. 5, lines 22-25).

As to claim 25, Alperovich discloses a method for blocking undesirable messages in a mobile radio system wherein the list of exclusions is a personal, individual list of exclusions of the recipient (see col. 6, lines 7-9).

As to claim 26, Alperovich discloses a method for blocking undesirable messages in a mobile radio system wherein the list of exclusions is a general list of exclusions that is taken into consideration for at least one of all recipients and groups of recipients (see col. 6, lines 7-10).

As to claim 27, Alperovich discloses a method for blocking undesirable messages in a mobile radio system wherein the request sent to the service provider includes to the service provider is formed as a self-contained abstract message (message that contain the “identification signal” (name of sender); see col. 5, lines 51-66).

As to claim 28, Alperovich discloses a method for blocking undesirable messages in a mobile radio system wherein the identification signal sent to the service provider is integrated in the abstract message in the information element form (message that contain the "identification signal" (name of sender); see col. 5, lines 51-66).

As to claim 30, Alperovich discloses a method for blocking undesirable messages in a mobile radio system wherein the request sent to the service provider contains further information for the filter functionality, including at least a type of the list of exclusions and time limitations (see col. 5, lines 22-50; col. 6, lines 7-9).

Regarding claims 31-36, 38 and 40, they are the corresponding system claims of method claims 23-28, 30 and 39. Therefore, claims 31-36, 38 and 40 are rejected for the same reasons shown above.

As to claim 39, Alperovich discloses a method for blocking undesirable messages in a mobile radio system (see col. 1, lines 7-10), the method comprising: receiving a message from a sender at a service provider (see col. 3, lines 37-45); transmitting the message and a identification signal from the service provider to a recipient serviced by the service provider, the identification signal comprising an alias [alternative] name for the sender (see col. 3, lines 50-66; col. 6, lines 15-20), and receiving a request from the recipient to add the sender to a list of exclusions, wherein the request comprises at least the identification signal; and based at least on the identification signal , adding the sender to the list of exclusion (see col. 5, lines 51-66). It is unclear in the Alperovich reference if using the alternative name still identifies the sender (see col. 5, line 51 -col. 6, line 20). In an analogous art, Bedingfield disclose

receiving notification at the service provider if the recipient wants to have the sender of the message put on the list of exclusions, wherein the notification to the service provider contains the alias [alternative] name as an identification signal. Therefore, it would be obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings to properly route and treat all messages according to their respective setting, thereby blocking undesirable message while keeping the anonymity of the sender (par. 0007).

14. Claims 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Bedingfield and further in view of Rooke US 20020044634A1.

As to claim 29, Alperovich discloses the method for blocking undesirable messages in a mobile radio system wherein the identification signal to the service provider is contained in user data of Message (see col. 5, lines 51-66). Alperovich does not specifically disclose that the message is a Multimedia Message. In an analogous art, Rooke discloses sending a Multimedia Message to send a notification to the service provider (see par. 0041-0043). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use a Multimedia Message to send the notification to the service provider in order to be compatible with the MMS standard.

Regarding claim 37 is the corresponding system claim of method claim 29. Therefore, claim 37 is rejected for the same reason shown above.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be mailed to:

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P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

571-273-8300

for formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Customer Service Window

Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcos L Torres/
Examiner, Art Unit 2617

/George Eng/
Supervisory Patent Examiner, Art Unit 2617